

Message Text

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C O N F I D E N T I A L MOSCOW 8487

FOR UNDER SECRETARY MAW AND COUNSELOR SONNENFELDT FROM JOHN
NORTON MOORE

E.O. 11652: GDS

TAGS: LOS, US, UR

SUBJECT: SOVIET REACTION TO PRESENTATION OF PAPER BY PROFESSOR
GARY KNIGHT ON 200 MILE FISHING BILL

PLEASE PASS ESKIN (D/LOS), LEIGH (L), AND FRENCH (DOD/ISA)

1. SUMMARY: DURING AMERICAN SOCIETY OF INTERNATIONAL LAW-
USSR INSTITUTE OF STATE AND LAW SCHOLAR EXCHANGE ON
LAW OF THE SEA, SOVIETS REACTED STRONGLY NEGATIVELY TO
POSSIBILITY OF UNILATERAL EXTENSION OF U.S. FISHERIES
JURISDICTION BY 200 MILE FISHING BILL AS DESCRIBED IN PAPER
SUBMITTED BY PROFESSOR GARY KNIGHT. END SUMMARY.

2. DURING USEFUL AND CORDIAL MEETING BETWEEN U.S. AND
SOVIET SCHOLARS ON LOS, ARRANGED JOINTLY BY THE AMERICAN
SOCIETY OF INTERNAL LAW AND THE USSR INSTITUTE OF STATE AND
LAW, MR. A.P. MOVCHAN, DEPUTY DIRECTOR OF THE USSR INSTITUTE,
RESPONDED STRONGLY NEGATIVELY TO PAPER PRESENTED BY GARY
KNIGHT DESCRIBING POSSIBILITY OF UNILATERAL EXTENSION
OF U.S. FISHERIES JURISDICTION BY 200 MILE FISHERIES BILL.
MOVCHAN POLITELY BUT FIRMLY MADE FOLLOWING POINTS:
(A) UNILATERAL ACTION WOULD UNDERCUT JOINT U.S.-USSR
BARGAINING POSITION IN LOS CONFERENCE, (B) WE SHOULD HEED
CALL BY CHAIRMAN AMERASINGHE FOR RESTRAINT IN TAKING
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UNILATERAL ACTION PENDING CONCLUSION OF LOS CONVENTION,

(C) UNILATERAL ACTION IS COUNTER TO LONG-TERM OCEANS INTERESTS OF THE U.S. AND THE USSR, (D) WE ARE HEADING IN THE CONFERENCE TOWARD A 200 MILE ECONOMIC ZONE AND WE SHOULD NOT UPSET THIS BY PRECIPITOUS UNILATERAL ACTION, (E) A UNILATERAL DECLARATION WILL NOT HELP NEGOTIATIONS ON FISHING ISSUES WITH THE USSR. IN THIS CONNECTION MOVCHAN CITED RUSSIAN PROVERB "YOU CAN COUNT YOUR CHICKENS ONLY IN THE AUTUMN," (F) ANY KIND OF UNILATERAL ACTION COULD SET OFF A CHAIN REACTION AND, FINALLY, (G) THE STATE AS A WHOLE IS RESPONSIBLE FOR ITS ACTIONS AND FOR BEHAVING ACCORDING TO NORMS OF INTERNATIONAL LAW. IN THIS RESPECT OTHER STATES CANNOT JUST ACCEPT THAT ACTION IS CONGRESSIONAL OR EXECUTIVE BUT THAT IT IS U.S.

3. MOVCHAN IS ACTIVELY INVOLVED IN USSR LOS DELEGATION AND OCEANS POLICY PROCESS. HIS STATEMENT MAKES CLEAR SOVIET CONCERN ABOUT POSSIBLE U.S. UNILATERAL ACTION AND THIS ISSUE WILL UNDOUBTEDLY BE FULLY EXPLORED DURING BILATERAL DISCUSSIONS ON 19TH AND 20TH.

4. LOS SCHOLAR EXCHANGE IN GENERAL HAS BEEN QUITE USEFUL WITH SOVIET SIDE GOING ALL OUT FOR USEFUL EXCHANGE AND IN PROVIDING COURTESIES TO AMERICAN SOCIETY GROUP. ONE INTERESTING POINT WHICH EMERGED IS THAT KOVALEV OF MFA TREATY AND LEGAL DIVISION EXPRESSED AN INTEREST IN FOLLOW-UP CONFERENCE ON LAND-BASED SOURCES OF MARINE POLLUTION AFTER LOS CONFERENCE FOR PURPOSE OF IMPLEMENTING GENERAL OBLIGATIONS EXPECTED IN LOS TREATY.
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